

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOANNE WITCHKO, Derivatively on Behalf of
Nominal Defendant AMERICAN REALITY
CAPITAL PROPERTIES, INC.,

Plaintiff,

v.

NICHOLAS S. SCHORSCH, et al.,

Defendants,

and

AMERICAN REALITY CAPITAL PROPERTIES,
INC.,

Nominal Defendant.

Lead Case No. 15-cv-6043-AKH

(Consolidated with Case No. 15-cv-
8563-AKH)

ORAL ARGUMENT REQUESTED

**DERIVATIVE PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF DERIVATIVE SETTLEMENT**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law in support of Plaintiffs' Motion For Final Approval Of Derivative Settlement and the Declaration of Matthew M. Houston and accompanying exhibits, Plaintiffs Joanne Witchko, Edward Froehner, and Michele Graham Turner 1995 Revocable Trust, Jeffrey Turner as Trustee (collectively, "Derivative Plaintiffs"), by and through their undersigned counsel, will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, on January 21, 2020, at 11:00 a.m., for an Order, pursuant to Federal Rule of Civil Procedure 23.1, granting final approval of the Derivative Settlement together with such other and further relief as the Court deems just and proper.

Dated: December 17, 2019

Respectfully submitted,

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